

PUEBLO CITY-COUNTY BOARD OF HEALTH

REGULATION IX - SOLID WASTE

Under authority contained in Sections 25-1-507, 30-20-111 and 25-1-611, Colorado Revised Statutes, the following Regulations are hereby established by the Board of Health of the Pueblo City-County Health Department to provide minimum requirements on Solid Waste for the protection of health, safety and welfare of the general public, in Pueblo County.

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SECTION I. DEFINITIONS. For the purpose of the regulation, the following words shall have the meanings here set forth:

- 1.1 Litter is "garbage", "refuse", and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- 1.2 Garbage is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- 1.3 Refuse is all putrescible or non-putrescible waste including garbage, rubbish, ashes, street cleanings, dead animals, offal, animal manure, abandoned appliances, non-operational vehicles or parts therefrom.
- 1.4 Rubbish is non-putrescible waste consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, branches, wood, waste building materials, glass, bedding, crockery, household furnishings and similar materials.
- 1.5 Junk is any dilapidated furniture, appliance, machinery, equipment, building material, or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building or dwelling or concealed behind a fence or wall constructed of opaque materials.

SECTION II. NUISANCES--DEFINITIONS; ACTS; OMISSIONS.

- 2.1 (a) Nuisance shall mean any substance, condition or activity which results in a condition detrimental to the health or safety of any of the inhabitants of the county, including but not limited to those substances, conditions or activities specifically identified in subparagraph (c) hereof.
- (b) It shall be unlawful for any person to create, maintain, continue or suffer any nuisance to exist or remain on any property which he owns or is under his control.
- (c) The following conditions, activities and substances are deemed to be nuisances and adverse to the public health and safety:
- (1) Any pool, pond or other accumulation of stagnant water;
 - (2) the accumulation of manure, feces or other organic matter if offensive odors are emitted or if it attracts insects or rodents;
 - (3) any condition or use of property which shall result in emission of excessive and objectionable smoke, odor, vibration, dust, noxious gases or heat beyond the property boundaries.
 - (4) any other condition declared to constitute a nuisance by this Regulation.

SECTION III. GENERAL REQUIREMENTS.

- 3.1 Litter. It shall be unlawful and a nuisance for any person to throw or deposit litter, or to accumulate or permit the accumulation of litter, on occupied or vacant private property within the County, except that the owner or occupant of private property may maintain receptacles for collection in such a manner that litter will be prevented from being carried away from such receptable by the elements.
- 3.2 Litter In Public Places. It shall be unlawful for any person to throw, sweep or deposit litter in or upon any street, sidewalk, alley or other public place within the County except in public receptacles or in authorized private receptacles for collection. The accumulation of litter in any street, sidewalk area, alley, or other public place shall be presumed to have been caused or permitted by the owner or occupant of the abutting land.

Litter thrown from a vehicle shall be presumed to have been thrown by the occupant if there is but one. If there is more than one occupant, it shall be presumed to have been thrown by the driver of said vehicle.

3.3 Placement Of Litter In Receptacles So As To Prevent Scattering. Persons placing litter in public or private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

3.4 Same - Removal Required. It shall be unlawful for any person owning or occupying real property in the County of Pueblo and his agent or representative to fail or refuse to remove all litter from such property including litter in the gutter in front, and on the sides of, and to the center of the alley behind such real property. All litter shall be removed from such real property immediately upon the accumulation of the same.

3.5 Disposition. All litter shall be disposed of by delivery only to designated solid waste disposal facilities or to such other places as may lawfully be designated for disposal of litter by the Health Department. It shall be unlawful for any person to deliver or dump litter of any kind within the limits of Pueblo County, except at such designated disposal facilities.

3.6 Burning Material; Transportation. It shall be unlawful to transport burning material through, over and across the streets, alleys and roads within the County or to dispose of the same at any designated disposal facility.

3.7 Hauling. Any vehicle used by any person for the collection and transportation of solid waste, shall be equipped with an enclosed or covered body i.e., a tarp or canvas cover, to prevent the contents escaping therefrom. Loads of only tree trimmings or brush may be transported in open-bodied vehicles providing the material is securely tied in place to prevent scattering along the streets, alleys, roads and highways.

3.8 Unhealthy Premises Cleaned - Unsafe Structures Removed. If any cellar, vault, lot, sewer, drain, place or premises within the County shall be damp, unwholesome, offensive, or filthy or be covered any portion of the year with stagnant or impure water, or shall be in such condition as to produce a public health nuisance or safety hazard, the Pueblo City-County Board of Health may require the Owner to cause the same to be drained, filled up, cleaned, amended or purified; and may require the owner or occupant or person in charge of any building, fence or structure, which may be unsafe, to

remove or repair the same; or the Pueblo City-County Board of Health may cause the same to be done by the proper officials in the County.

3.9 Sweeping Litter Into Gutters Prohibited. No person shall sweep into or deposit in any gutter, street or other public place within the County of Pueblo the accumulation of litter from any building or lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

3.10 Littering In Places Of Public Assemblage; Duty To Provide Receptacles.

(a) The owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation or otherwise open to the public and including but not limited to shopping centers, fast-food outlets, convenience stores, stores, hotels, restaurants, bars, motels, industrial establishments, office buildings, apartment buildings, housing projects, loading and unloading docks, gas stations, churches and other places of worship, hospitals and clinics, shall keep the premises clean of all litter thrown or left on said premises and shall take measures, including daily cleanup of the premises, to prevent litter from drifting or blowing to adjoining premises.

(b) Receptacles of sufficient size and number, as prescribed by the Pueblo City-County Health Department, shall be placed on all premises referred to in Subsection (a) of this Section, for the disposition of litter. Such receptacle shall be marked so as to easily identify the receptacles as being for the disposal of litter.

3.11 Construction Sites To Be Maintained. All construction and demolition contractors shall be responsible for maintaining their work-sites in a reasonably clean and litter-free condition, including the removal of all litter blown or deposited upon the site. The contractor shall provide a sufficient number of refuse receptacles or bulk containers for the disposal of all loose debris, building material waste, and other refuse produced by those working on the site. All such waste, refuse, and debris shall be securely contained in such receptacles and bulk containers by the end of each working day.

3.12 Removal Of Junk From Residential Property. The owner or person in control of any residential property shall keep such property free from accumulations of junk, as defined herein.

SECTION IV. MANURE--ACCUMULATION; DISPOSITION.

- (a) The accumulation or failure to dispose of animal feces and manure is hereby declared to be a nuisance and detrimental to the health and welfare of the people of the County of Pueblo. All animal feces and manure shall be removed and disposed of by the owners, tenants or occupants of the premises where produced, at frequent and regular intervals. No person shall permit feces or manure to remain for such a time or to accumulate in such quantity as to attract flies or other insects or to generate noisome odors.
- (b) All animal feces and manure shall be disposed of by delivery to a designated solid waste disposal site or to such other places only as shall be designated from time to time by the Pueblo City-County Health Department and it shall be unlawful for any person to deliver or dump animal feces and manure within the limits of the county, except at such designated sites. This section shall not prohibit the use of manure composting or soil conditioning provided the same shall be completely covered by earth. Nor shall this section prohibit the use of manure as fertilizer, provided manure used for such purpose shall be well-rotted, ground or pulverized and shall be worked into the soil without unreasonable delay.

SECTION V. REPEAL CLAUSE, PENALTIES AND ENFORCEMENT.

- 5.1 The prior Regulation No. IX adopted by the Board of Pueblo City-County Health Department on May 24, 1972 and relating to solid waste is hereby repealed.
- 5.2 Any violation of this regulation or of cleanup orders entered hereunder is intended to and shall constitute a violation of law for which applicable civil and criminal penalties may be imposed, pursuant to authority of one or more of the following statutes: C.R.S. 25-1-514(1), 25-1-514(4), 25-1-611, 30-20-113(2) and 30-20-114.

SECTION VI. SERVICE.

- 6.1 Any notice required to be given by any provision of this Regulation may be served by personal service, or by certified United States mail, return receipt requested, addressed to the person's last known address. In the event personal service is not made and the notice relates to real property and requires cleanup, notice

shall be given to the record owner of the property at his last known address as shown by the records of the County Clerk and Recorder.

If service is by mailing, service shall be complete three days after the date of mailing.

6.2 If the whereabouts of a property owner are unknown, and all reasonable efforts to discover his address have been unsuccessful, then service shall be by posting of notice in a conspicuous place upon the property for not less than 30 days and by one publication of the notice in a newspaper published at least weekly within Pueblo County.

SECTION VII. SAVING CLAUSE.

Should any provision of this regulation be declared unconstitutional or invalid for any reason, such portion shall be deemed severable, if possible, and shall not affect the validity of the remaining provisions of this regulation.

SECTION VIII. EFFECTIVE DATE.

This Regulation shall be effective immediately upon adoption by the Board of Health of Pueblo City-County Health Department.

Adopted as Amended by:

Signed by:
Allyn Middelkamp, Sr.
A. H. Hayden, Jr.
Jarvis Ryals, M.D.
Sollie Raso
Gilbert C. Garbiso, D.D.S.

Board of Health of Pueblo City-County Health Department,
Pueblo, Colorado

Date: July 26, 1989



Allyn Middelkamp, Sr. 7/26/89
President Date